

PHILLIP A. TALBERT
United States Attorney
JUSTIN J. GILIO
ROBERT L. VENEMAN-HUGHES
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

OSCAR ORELLANA GUEVARA,

Defendant.

CASE NO. 1:21-cr-00051-JCC-BAM

STIPULATION AND ORDER TO RESET STATUS
CONFERENCE

THE PARTIES HEREBY STIPULATE, through their respective counsel, Assistant United States Attorney, Robert Veneman-Hughes, on behalf of the government, and Michael Berdinella, Esq., on behalf of defendant Oscar Orellana Guevara (“Guevara”), move to continue the status conference set for September 25, 2024 to February 19, 2025 at 2 PM, and stipulate as follows:

1. The government has informed defendant’s counsel that the defendant is connected to a substantially larger case, U.S. v. Leiva-Leiva et al, 22-cr-00232. The Leiva case has voluminous discovery which is relevant to Guevara’s trial.
2. This connection was discovered after witnesses came forward in the spring of 2024.
3. Because of this connection, the government has provided defendant with substantial additional discovery, present at 750 GB of files and counting.
4. The government filed a notice of related cases and because of that notice the chief judge has

assigned this case to an out of district District Judge for trial along with the Leiva-Leiva case.

5. Defendant has sought additional resources from the Chief Judge, including additional personnel, to review discovery and prepare for trial.
6. Defense counsel requires additional time to review discovery and bring new counsel up to speed on the state of the case.
7. Previously, time had been excluded until November 13, 2024.
8. By this stipulation, the defendant moves to continue the status conference to February 19, 2025, and exclude time until that date.
9. This is the same date as the Leiva-Leiva related case is set and it would be in the interest of court efficiency for these matters to be set on the same date.
10. The government does not object to this continuance.
11. The parties agree and stipulate, and request that the Court find the following:
 - i) The government has represented that the discovery associated with this case includes investigative reports, and related documents, photographs, etc., in electronic form. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
 - ii) Defense counsel requires additional time to review discovery and investigate.
 - iii) The government does not object to the continuance.
 - iv) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
 - v) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of November 13, 2024, to February 19, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(iv) because it results from a continuance granted by the Court at defendant's

request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

12. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Dated: October 22, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ ROBERT L. VENEMAN-HUGHES
ROBERT L. VENEMAN-HUGHES
Assistant United States Attorney

Dated: October 22, 2024

/s/ MICHAEL BERDINELLA
MICHAEL BERDINELLA
Counsel for Defendant
OSCAR ORELLANA
GUEVARA

ORDER

IT IS SO ORDERED that the status conference is continued from November 13, 2024, to **January 29, 2025, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: **October 23, 2024**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE